THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18318 of 2007

Date:03-09-2007

Between:

S.Ravi Kumar .. **PETITIONER**

AND

The Govt. of A.P. rep. By its Principal Secretary, Hyderabad and two others

.. **RESPONDENTS**

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in interfering with the petitioner's peaceful possession and enjoyment of the Plot No.189, in Sy.No.74/3, admeasuring 226.50 sq. yards/189.35 sq. metres forming part of M/s. Ravi Co-operative Housing Society Ltd., situated at East Marredpally, Secunderabad Cantonment, Hyderabad or interfere with the construction activity in the said plot, as illegal and arbitrary.

The petitioner purchased plot No.189 admeasuring 226.50 square yards under a registered sale deed, dated 24.05.1996 from M/s. Ravi Cooperative Housing Society Limited (hereafter called, the society). The land is comprised in survey No.74/3 situated at East Marredpally in Secunderabad. He obtained building permission vide proceedings in CBR No.11 (26), dated 14.09.2004 under Section 181(1) of the Cantonment Act, 1924 and commenced the construction. He alleges that the 3rd respondent, namely, the Mandal Revenue Officer (MRO), East Marredpally, started interfering with construction activity on the ground of pendency of L.G.C.No.167 of 1997 before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (hereafter called, the Special Court). Therefore, he filed the present writ petition alleging that he is not a land grabber, that the society sold the land, which was purchased by it under registered document No.702 of 1996.

At the stage of admission itself, the learned Government Pleader for Revenue (Assignment) opposed the writ petition contending that the petitioner was arrayed as a party respondent to

L.G.C.No.167 of 1997 and therefore, the order of injunction passed by the Special Court prohibiting any construction operates against him. The learned Government Pleader also produced a copy of the order in W.P.No.19568 of 2005 dated 06.09.2005 passed by this Court ordering status quo regarding the possession and the construction.

In many such cases filed before this Court alleging interference by the revenue authorities in respect of the land comprised in survey No.74 (various sub-divisions), this Court passed the following order:

> "Accordingly, the writ petition is disposed of in the following manner. The Mandal Revenue Officer, Marredpally shall file application before the Special Court for impleading the petitioners in L.G.C.No.167 of 1997 within a period of four weeks from the date of receipt of a copy of this order and obtain appropriate orders against the petitioners. Till then, the Mandal Revenue Officer shall not in any manner disturb the possession of the petitioners. Further, in view of the orders of injunction granted by the Special Court on 08.12.1998, as referred to herein above, it would be appropriate to direct status quo as on today with regard to possession as well as construction by the petitioners. The writ petition is, accordingly, disposed of. No costs."

Learned counsel for the petitioner has brought to the notice of this Court a copy of the order-dated 01.11.2002 passed by this Court in W.P.No.21825 of 2002. By the said order, W.P.No.21825 of 2002 was disposed of observing that the revenue officials shall not interfere with the possession of the petitioner therein and that the person claiming ownership is bound by any decision of the Special Court in L.G.C. as the vendor society was a party in the said proceedings. In this case, the petitioner obtained sanction on 14.09.2004 and commenced construction. Though this Court is not inclined to pass any order regarding construction, following the order passed by this Court in W.P.No.21825 of 2002 dated 01.11.2002, this writ petition is also

disposed of directing the respondents not to interfere with the possession of the petitioner. The petitioner herein in fact, is a party in the said L.G.C. This Court further requests Special Court constituted under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, to dispose of LGC No.167 of 1997 expeditiously whether or not the petitioner is impleaded by the revenue officials.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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V.ESWARAIAH, J.

Date:03.09.2007
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